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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/647,736	10/04/2000	Caroline A M Lebre	36-1358	2449
7590 05/11/2005			EXAMINER	
Nixon & Vanderhye			CARDONE, JASON D	
8th Floor 1100 North Glebe Road			ART UNIT	PAPER NUMBER
Arlington, VA 22201-4714			2145	
			DATE MAILED: 05/11/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<u></u>	Application No.	Applicant(s)			
Office Action Summary	09/647,736	LEBRE ET AL.			
Office Action Summary	Examiner	Art Unit			
The MAN INC DATE of this communication on	Jason D. Cardone	2145			
The MAILING DATE of this communication appeared for Reply	pears on the cover sheet with the	correspondence address			
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	I36(a). In no event, however, may a reply be t ly within the statutory minimum of thirty (30) da will apply and will expire SIX (6) MONTHS from e, cause the application to become ABANDON	imely filed ays will be considered timely. m the mailing date of this communication. ED (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 29 April 2005.					
2a) This action is FINAL . 2b) This action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is					
closed in accordance with the practice under	Ex parte Quayle, 1935 C.D. 11, 4	153 O.G. 213.			
Disposition of Claims					
4) Claim(s) 1-32 is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to.					
8) Claim(s) <u>1-32</u> are subject to restriction and/or	election requirement.				
Application Papers					
9) The specification is objected to by the Examine	<u> </u>				
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correct	- ' '				
11) The oath or declaration is objected to by the E	•				
Priority under 35 U.S.C. § 119					
a) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:	n priority under 35 U.S.C. § 119(a)-(d) or (f).			
1. Certified copies of the priority documen					
2. Certified copies of the priority documen					
3. Copies of the certified copies of the price	•	ved in this National Stage			
application from the International Burea * See the attached detailed Office action for a list		ved			
	2. 3.0 Co.mica copied net recent				
Attachment(s)					
1) Notice of References Cited (PTO-892)	4) Interview Summa				
Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date	Paper No(s)/Mail l) 5) Notice of Informal 6) Other:	Date Patent Application (PTO-152)			
U.S. Patent and Trademark Office PTOL-326 (Rev. 1-04) Office A	Action Summary	Part of Paper No./Mail Date 20050510			

Application/Control Number: 09/647,736 Page 2

Art Unit: 2145

DETAILED ACTION

1. This action is responsive to the after final remarks of the applicant, filed on 4/29/05. Claims 1-32 are presented for further examination.

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Election/Restrictions

- 3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-24, 30 and 31, drawn to client and server relationship, classified in class 709, subclass 203.
 - II. Claims 25-29 and 32, drawn to object-oriented messaging, classified in class 719, subclass 315.

The inventions are distinct, each from the other because of the following reasons:

4. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as transferring a server process, while invention II has separate utility such as transferring object messages. See MPEP § 806.05(d).

Application/Control Number: 09/647,736 Page 3

Art Unit: 2145

5. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

- 6. Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I, restriction for examination purpose as indicated is proper.
- 7. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D. Cardone whose telephone number is (571) 272-3933. The examiner can normally be reached on Mon.-Thu. (6AM-3PM).

Application/Control Number: 09/647,736 Page 4

Art Unit: 2145

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason D Cardone Primary Examiner Art Unit 2145

May 10, 2005